

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6703**

**BILL NUMBER: SB 92**

**NOTE PREPARED:** Dec 18, 2008

**BILL AMENDED:**

**SUBJECT:** Sex Offenders and the Internet.

**FIRST AUTHOR:** Sen. Young R Michael

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Condition of Probation, Parole, or Sentencing:* The bill requires a sex offender, as a condition of parole, a condition of probation, or as part of the sex offender's sentence, to permit: (1) the search of the person's personal computer at any time; and (2) the installation on the person's personal computer or device with Internet capability, at the person's expense, of one or more hardware or software systems to monitor Internet usage.

It provides that the search of the computer must be conducted in a manner that interferes as little as practicable with the legitimate use of the computer, while still allowing a reliable determination of whether the person has committed a crime or violated a condition of probation or parole.

*Indirect Contempt of Court:* The bill also provides that a person who knowingly or intentionally refuses to permit a search of the person's computer or the installation of a monitoring device on the person's computer imposed as a part of the person's sentence may be found to be in indirect contempt of court.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Condition of Probation or Parole:* Violation of a condition of probation or parole could result in an offender serving a period of incarceration or it could extend the period the offender is under community supervision. If an offender is supervised in the community on probation or parole for a longer period of time, courts may need more staff to supervise more offenders. Any effects of this bill would be at the court's or parole board's discretion.

*Background- Condition of Probation or Parole:* When a court finds that a person who is on probation has violated a condition set by the court, the court can only impose one of the following sanctions:

1. Continue the person on probation with or without modifying or enlarging the conditions;
2. Extend the person's probationary period for not more than one year beyond the original probationary period; or
3. Order execution of all or part of the sentence that was suspended at the time of the initial hearing.

**Explanation of State Revenues:** *Indirect Contempt of Court:* The penalty for indirect contempt of court is a fine or a term of incarceration, or both. Fines collected for indirect contempt of court would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Indirect Contempt of Court:* If a person is sentenced to a term of incarceration for indirect contempt of court, costs could increase. The average daily cost of incarceration in a county jail is about \$44 a day.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts.

**Information Sources:** Indiana Sheriff's Association.

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